

Message Text

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PAGE 01 STATE 189524
ORIGIN DLOS-09

INFO OCT-01 ISO-00 /010 R

DRAFTED BY D/LOS:GTAFT:LS
APPROVED BY D/LOS:GTAFT
-----092671 271413Z /41
R 271301Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO

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STADIS/////////
FOR AMB. ELLIOT L. RICHARDSON

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LETTER TO AMB. RICHARDSON FROM NIGERIAN ATTORNEY
GENERAL NNAMANI

FOLLOWING IS TEXT OF LETTER DATED JULY 4, 1978 FROM DR. A.
NNAMANI: QUOTE - DEAR AMBASSADOR RICHARDSON, I THANK YOU
FOR YOUR LETTER AND I AM GRATEFUL FOR MANY THOUGHT PROVOK-
ING ISSUES RAISED THEREIN.

-- 2. THE RESULTS OF THE GENEVA MEETING REQUIRE CAREFUL
CONSIDERATION AND WE ARE STILL IN THIS PROCESS. SUBJECT TO
WHAT I MAY HAVE TO SAY ABOUT THE NEGOTIATION IN EACH NEGO-
TIATING GROUP AND THE CONFERENCE AS A WHOLE, IT IS MY VIEW
THAT THERE WAS A MOVEMENT IN THE RIGHT DIRECTION.

-- 3. WHERE FURTHER NEGOTIATIONS ARE NECESSARY TO COMPLETE
THE WORK OF SOME OF THE NEGOTIATING GROUPS, THERE IS NO
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OBJECTION TO THE GENEVA CHAIRMEN CONTINUING TO GUIDE DELIB-
ERATION ON ISSUES RELATIVE TO THEIR GROUP ALSO IN NEW YORK.
IT IS PERTINENT TO STATE HOWEVER THAT THE RESULTS OBTAINED
FROM THE NEGOTIATING GROUPS RELEVANT TO COMMITTEE I (NEGOTI-
ATING GROUPS I, 2, AND 3) ARE A MIXED SYSTEM FOR EXPLORATION
AND EXPLOITATION OF THE SEABED AREA, ASSURED ACCESS, AND
GUARANTEE OF INVESTMENT. IN THE CIRCUMSTANCES THERE SHOULD

BE LESS DIFFICULTIES ABOUT THE STRUCTURE, COMPOSITION AND POWERS OF THE COUNCIL.

-- 4. WITH REGARD TO THE ISSUES DEALT WITH BY THE NEGOTIATING GROUPS RELEVANT TO COMMITTEE II MATTERS (NEGOTIATING GROUPS 4, 5, 6 AND 7), THERE WAS CONSIDERABLE PROGRESS. ON THE QUESTION OF THE RIGHT OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES IN THE EXCLUSIVE ECONOMIC ZONE (HEREINAFTER REFERRED TO AS THE EEZ) TO THE LIVING RESOURCES IN THE EEZ THE RESULT OF THE LAST NEGOTIATION SHOULD FORM A SOLID BASIS FOR RESOLVING THE ISSUES. ON THE QUESTION OF SETTLEMENT OF DISPUTES RELATING TO THE EXERCISE OF THE SOVEREIGN RIGHTS OF COASTAL STATES IN THE EEZ WHAT EMERGED WAS A SYSTEM OF COMPULSORY CONCILIATION REPLACING COMPULSORY ARBITRATION. TO MY MIND IT APPEARS THERE IS NO DIFFERENCE BETWEEN THE TWO, BECAUSE IN BOTH CASES YOU HAVE A DECISION OR AN AWARD WHICH COULD NOT EASILY BE IGNORED. THIS COULD CONSTITUTE PRESSURE ON THE COASTAL STATES.

-- 5. IN ORDER TO RESOLVE THE ISSUES OF THE DEFINITION OF THE OUTER LIMITS OF THE CONTINENTAL SHELF AND THE RELATED QUESTION OF REVENUE SHARING, IT APPEARS TO ME THAT THE BEST SOLUTION WOULD BE AN ACCEPTANCE OF THE 200 MILES SIMPLICITER WHICH IS SUBSUMED BY THE EEZ. NEITHER THE IRISH FORMULA WHICH MIGHT GIVE A LIMITLESS DISTANCE WHEN BASED ON "THE LIMITED OFFICIAL USE

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THICKNESS OF SEDIMENTARY ROCK" PRINCIPLE NOR THE SOVIET FORMULA WHICH MIGHT GIVE 300 NAUTICAL MILES MAXIMUM IS SATISFACTORY. IN BOTH CASES THE COMMON HERITAGE WOULD BE IMPOVERISHED AND COULD EVEN BE REDUCED TO A NON-ENTITY. THE SOLUTION PROFFERED HERE WILL DEFINITELY AMELIORATE NEGOTIATIONS IN NEGOTIATING GROUPS 4, 5 AND 6.

-- 6. ON THE QUESTION OF DELIMITATION OF MARITIME BOUNDARIES BETWEEN ADJACENT AND OPPOSITE STATES AND SETTLEMENT OF DISPUTES THEREON, THE PROVISION OF THE ICNT SEEMS APT. IT APPEARS TO BE THE BEST OF ALL THE PROPOSALS MADE IN GENEVA BECAUSE IT TAKES CARE OF ALL THE POSSIBILITIES WHICH ARE RELEVANT IN A DELIMITATION PROBLEM WITHOUT GIVING ANY ONE PRINCIPLE PRIORITY OVER OTHER. IT ALL DEPENDS ON THE CIRCUMSTANCES. IT IS PREFERABLE THAT IT SHOULD BE FLUID.

-- 7. I AGREE THAT WORK IS ALMOST COMPLETED ON COMMITTEE II AND COMMITTEE III MATTERS AND ONE HAS BEEN VERY ENCOURAGED BY THE RESULTS AS A WHOLE. I ENTIRELY AGREE WITH YOU AND SHARE YOUR VIEWS THAT THE CONSTRUCTIVE WORKING RELATIONSHIP MAINTAINED BETWEEN US WHICH IS VERY VALUABLE

SHOULD CONTINUE.

-- 8. FONDEST REGARDS AND BEST WISHES. SINCERELY YOURS,
DR. A. NNAMANI, HONOURABLE ATTORNEY-GENERAL OF THE FEDERA-
TION OF NIGERIA AND COMMISSIONER FOR JUSTICE. UNQUOTE. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, ATTORNEYS, TEXTS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 jul 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE189524
Document Source: CORE
Document Unique ID: 00
Drafter: GTAFT:LS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780308-0346
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780713/aaaaalaw.tel
Line Count: 121
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fd2bd76b-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: STADIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1866120
Secure: OPEN
Status: NATIVE
Subject: LETTER TO AMB. RICHARDSON FROM NIGERIAN ATTORNEY GENERAL NNAMANI FOLLOWING IS TEXT OF LETTER DATED JULY 4, 1978 FRO
TAGS: PLOS
To: SANTIAGO
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/fd2bd76b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014